IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.761 OF 2001

Kalyan Municipal Corporation ...Petitioner.

V/s

Shri Devnarayan Nanakchand Sharma
and Anr. ....Respondents

Mr. M.V. Gopalkrishna for A.S. Rao for the petitioner.

None appears for respondent No.1, though served.

Mr. D.P. Adsule, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 23RD FEBRUARY, 2005

P.C.

1. Heard the learned Counsel appearing for the petitioner. None appears for respondent No.1, though served.

2. Petitioner who is the Municipal Corporation challenges the order passed by the JMFC, Court No.1, Kalyan dated 13/2/2001. By the said order, the complaint filed by the complainant was dismissed in view of the judgment of the Supreme Court reported in AIR 1996 SC 1619 (Common Cause v/s Union of India). Thereafter, this judgment was overruled by the Supreme Court by its judgment in the case of P. Ramcahndra Rao vs. State of Karnataka, reported in AIR 2002 Supreme Court 1856. In view of the judgment of the

SupremeCourt in the case of P. Ramchandra Rao (supra), the order passed by the Trial Court dated 13/2/2001 at Exhibit-B to the Petition is set aside. The complaint is remanded back to the trial court for disposal in accordance with law.

V.M. KANADE, J.